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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,910	01/09/2002	Raymond Fallon	18133-095	4528

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Marianne M. Downing, Esq.
 Mintz, Levin, Cohn, Ferris,
 Glovsky and Popeo, P.C.
 One Financial Center
 Boston, MA 02111

EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,910

Applicant(s)

FALLON ET AL.

Examiner

Mylinh T Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-26 and 31-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuiawa et al. [US. 2003/0033550].

As to claims 1, 17, 26, 32 and 35, Kuiawa et al. discloses a computer implemented method and corresponding apparatus for providing information about the occurrence of at least one predetermined event associated with an uninterruptible power supply in operable communication with the system comprising the steps/means for a worker module determining whether the predetermined event (first condition) has occurred (page 4, 0034, "if the application program detects abnormalities in one or more UPS devices, the application program causes the operating system to generate pertinent GUIs in the manner as describes with respect to FIGS. 3-8 to alert the user of the abnormalities."); a user interface module responsive to the determination of the worker module, the user interface module generating a user interface providing information relating to the predetermined event (figure 6, pages 2-3, 0025), the user interface comprising at least one of a graphical portion and an alphanumerical portion (figure 6, 624 (graphical portion), 622 (an alphanumerical)).

As to claim 2, Kuiawa et al. also discloses the UPS having at least one operating parameter and wherein the information relating to the predetermined event comprises information relating to the at least one operating parameter of the UPS (pages 1-2, 0017-0019).

As to claim 3, Kuiawa et al. teaches the user interface module generating the user interface upon occurrence of the predetermined event (figure 6, page 2, 0025).

As to claim 4, Kuiawa et al. also teaches the event having a duration and wherein the user interface module generates a user interface for at least the duration of the predetermined event (0029).

As to claims 5 and 18, Kuiawa et al. shows the predetermined event being an event relating to UPS communication status (0025, connecting).

As to claim 6, Kuiawa et al. also shows the predetermined event being an event relating to UPS battery status (0031).

As to claim 7, Kuiawa et al. demonstrates the user interface comprising at least one of a UPS status monitor, a system tray icon, an event notifier, and a balloon notifier (page 1, 0004).

As to claims 8, Kuiawa et al. also demonstrates the user interface being capable of being viewed on a portion of a display and the displayed user interface being sized to enable other information to be viewed on a display at the same time that the user interface is being viewed on the display (figure 6).

As to claim 9, Kuiawa et al. provides the user interface having a size substantially similar to the size of a toolbar (figure 6).

As to claims 10 and 24, Kuiawa et al. also provides a memory storing information relating to at least one of the predetermined event and the operating parameter of the UPS (0020).

As to claims 11 and 23, Kuiawa et al. discloses the user interface further comprising a control that enables a user to perform a function based on the information in the user interface (0028-0030).

As to claims 12, 22 and 37, Kuiawa et al. also discloses the worker module monitoring the operating parameter of the UPS and the user interface module dynamically updates at least a portion of the user interface to reflect a change in the operating parameter (0029).

As to claim 13, Kuiawa et al. shows the worker modules receiving information from the UPS relating to an operating parameter of the UPS (0017-0019).

As to claim 14, Kuiawa et al. also shows the user interface module displaying a user interface providing context-sensitive information relating to an operating parameter of the UPS (figure 6).

As to claim 15, Kuiawa et al. teaches the user interface module generating the user interface automatically (0004).

As to claim 16, Kuiawa et al. also teaches the user interface module generating the user interface upon receipt of a command (0022).

As to claims 19 and 38, Kuiawa et al. provides ceasing to display the indicator upon occurrence of a second condition (0028-0029).

As to claim 20, Kuiawa et al. also provides the second condition comprising a condition selected from the group consisting of receiving a second command, cessation of the first condition, and change in the first condition (0021).

As to claim 21, Kuiawa et al. also provides displaying at least one indicator conveying only information related to the first condition (0025).

As to claim 25, Kuiawa et al. demonstrates displaying the stored information (figure 6).

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As to claims 33 and 36, Kuiawa et al. also demonstrates means for displaying the user interface to a user (figure 6).

As to claim 34, Kuiawa et al. discloses means for determining the duration of the predetermined event (0028-0029).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuiawa et al. [US. 2003/0033550].

As to claim 27, Kuiawa et al. discloses determining whether the event has occurred by alerting the user when it occurs. However, Kuiawa et al. fails to teach an alarm to the user during the duration of the event to notify the user that the event has occurred. Although Kuiawa et al. disclose of whether the event has occurred by alerting the user when it occurs (0034), they do not explicitly mention the alarm. It is well known in the state of the art that the alert of Kuiawa could include the alarm to notify the user. **The Examiner takes OFFICIAL NOTICE.** It would have been obvious to one of ordinary skill in the art, having the teachings of Kuiawa et al. before him, the step of determining when the event comes by using the alarm to notify the user in order to notice the user by a warning signal, as made known in the state of the art.

As to claim 28, Kuiawa et al. fails to teach displaying a control in the user interface that enables the alarm to be muted. However, **Official Notice** is taken that implementations of

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the alarm to be muted are well known in the art. In light of the rejection set forth above, it would have been obvious to one of skill in the art, at the time the invention was made, to combine the well know implementations of the alarm of Kuiawa. Motivation of the combine is for the user to control the alarm if she/he does not want it to notify the user.

As to claim 29, Kuiawa et al. shows ceasing to display the user interface when the event is no longer occurring (0028-0029).

As to claim 30, Kuiawa et al. also shows the displayed user interface being sized to enable other information to be viewed on a display at the same time that the user interface is being viewed on the display (figure 6).

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 872-9306 for all kind of communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Heather Herndon, can be reached on (703) 308-5186,

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

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BA HUYNH
PRIMARY EXAMINER